

REMARKS/ARGUMENTS

In the Office Action mailed on October 22, 2003, the Examiner allowed claims 6-10 and rejected claim 12 of this application under 35 U.S.C. § 102(e) as anticipated by Widegren et al. (USPN 6,374,112 B1). Claim 12 is amended to correct some informalities.

Applicants appreciate the time and consideration provided by Examiner in reviewing this application, however, respectfully traverse the rejection of claim 12 at least for the following reasons.

Rejection under 35 U.S.C. §102

Anticipation under 35 U.S.C. §102 requires that each and every claimed feature be disclosed by a single prior art reference.

Claim 12 of the present application is directed to a method of operating cellular wireless internet access system with a plurality of base stations and subscriber terminals, having a time delay spread of the signal, wherein the method comprises transmitting simultaneously on the same radio frequency channel a combined stream of data on a plurality of data bearer sub-channels, each subchannel using a different spreading code and having a data rate which is a fraction of the combined stream of data. The bearers are then multiplexed and inverse multiplexed to provide aggregated user data rates. When using lower data rate, the symbol period of each bit (i.e., time to transmit or receive one bit) is increased, allowing for a greater delay spread, and therefore a greater distance, before the bits delayed by multipath arrive during the symbol periods of later bits causing corruption of data. Thus, claim 12 of the present invention is directed to reduction of corruption of data by increasing the delay spread. The claim is supported by the specification, page 15, lines 22-30, and FIG. 10.

Widegren et al. neither disclose nor suggest increasing symbol periods and reducing the corruption of data by delay spread. Moreover, Widegren et al. teaches away from using different spreading codes for various radio access bearers (Col. 9, lines 50-63).

Accordingly, the method of operating cellular wireless internet access system as claimed in claim 12 of the present application is different from the radio access and resource allocation method used in the Universal Mobile Telephone System disclosed by Widegren et al.

Therefore, applicants respectfully submit that the method claimed in claim 12 of the present application is patentable over U.S. Patent No. 6,374,112 B1, and the application is now in condition for allowance, which allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith,

Appln. No. 09/432,824
Amendment dated 4/22/04
Reply to Office Action of 10/22/2003

Attorney Docket No. 72408

as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

By: 
Steven G. Parmelee
Registration No. 28,790

Date: 4/22/04

FITCH, EVEN, TABIN & FLANNERY
120 S. LaSalle St., Suite 1600
Chicago, Illinois 60603
Telephone: (312) 577-7000
Facsimile: (312) 577-7007